

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
May 25, 2010**

1. Present

Commissioners:

Sherwood Bishop, Chair
Bill Taylor, Vice-Chair
Randy Bryan
Bucky Couch
Jude Prather (arrived 6:12)
Curtis O. Seebeck
Allen Shy (absent)
Jim Stark
Chris Wood

City Staff:

Matthew Lewis, Assistant Director
Francis Serna, Recording Secretary
Phil Steed, Planner
John Foreman, Planner
Abigail Gillfillan, Planner

2. Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Bishop at 6:00 p.m. on Tuesday May 25, 2010 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Bishop welcomed the audience.

4. NOTE: *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

5. Citizen Comment Period

There were no citizen comments.

6. CUP-10-09. Hold a public hearing and consider possible action on a request by Francisco Zapata, for a Conditional Use Permit to allow a drive-in food service establishment to be located within the Community Commercial (CC) zoning district for Lot 4 and part of 3, Block 21 of the Original Town of San Marcos located at 420 University Dr.

Chair Bishop opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a amendment to the motion made by Commissioner Stark and a second by Commissioner Bryan, the Commission voted seven (7) for, one (1) opposed and one (1) abstained, to approve CUP-10-09 for three years. The motion carried. Commissioner Taylor voted no. Commissioner Prather abstained.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Seebeck, the Commission voted all in favor to approve CUP-10-09 for three year and the condition of screening of all dumpsters. The motion carried unanimously.

7. CUP-10-10. Hold a public hearing and consider possible action on a request by Bernice Rainosek, for a Conditional Use Permit to allow a barber/ beauty shop (non-college) to be located within the Office Professional (OP) zoning district for a suite in the existing commercial strip center being Part of lots 8 and 9, Block 1, of the John Scott Addition located at 705 W. Hopkins St.

Chair Bishop opened the public hearing. Bernice Rainosek, resident 735 W. Hopkins and owner of 705 W. Hopkins stated that she has requested to move Merle Norman to the front of the building. The suite is approximately 600 sq. ft. Ms. Rainosek explained that she previously requested a zoning change and that City Council recommended that she apply for a Conditional Use Permit. She added that she has 11 signatures of adjacent property owners that are in support of her request. Ms. Rainosek provided the Commission with a copy of the signatures. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Prather, the Commission voted all in favor to approve CUP-10-10. The motion carried unanimously.

8. PVC-10-01. Consider possible action on a request by Gloria Velasquez for a platting variance to Section 4.4.1.1(b) of the Land Development Code, which requires that "Flag" lots (i.e. lots with minimal, or panhandle type, frontage) shall not be permitted; to allow a flag lot to be platted at 2410 Offermann Hill Road, San Marcos, TX.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Stark, the Commission voted seven (7) for and two (2) opposed, to deny PVC-10-01 based on their findings that the request did not meet the Criteria for Approval as required under Section 1.10.2.4 of the Land Development Code on criteria items 2- The circumstances casing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land; 5- Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property; 7- The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner; and 8- The request for a variance is not based exclusively on the petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship. The motion to deny carried. Commissioners Couch and Prather voted no.

9. PVC-10-02. Consider possible action on a request by Gloria Velasquez for a platting variance to Section 6.7.1.2(c) of the Land Development Code, which prohibits the platting of a severely elongated lot (in excess of a three to one length to width ratio; to allow a lot with a six to one length to width ratio to be platted at 2410 Offermann Hill Road, San Marcos, TX.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Taylor, the Commission voted seven (7) for and two (2) opposed to deny PVC-10-02 based on their findings that the request did not meet the Criteria for Approval as required under Section 1.10.2.4 of the Land Development Code on criteria items 2- The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of the petitioner's land; 5- Granting the variance petition will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this Code, or adversely affect the rights of owners or residents of surrounding property; 7- The hardship or inequity suffered by petitioner is not caused wholly or in substantial part by the petitioner; and 8- The request for a variance is not based exclusively on the petitioner's desire for increased financial gain from the property, or to reduce an existing financial hardship. The motion to deny carried. Commissioners Couch and Prather voted no.

10. SNC-10-01. Hold a public hearing and consider possible action on a request by The San Marcos High School Class of 2010, on the behalf of SMCISD Board of Trustees for a request to change the name of a portion of E McCarty Lane to Rattler Road; the proposed section of E McCarty Lane to be changed is from the intersection of Old Bastrop Hwy (CR 266) to its current terminus point to the east (2600 Block).

Chair Bishop opened the public hearing. Kelly Mathis, 2705 Mountain High Drive, a Senior Class Officer at San Marcos High School spoke in support of the request. She asked the Commission that everyone should work together and maintain the school spirit. Carter Morris commented that McCarty Lane will eventually extend past Hwy. 123. He suggested that the name of the road be contiguous throughout McCarty Lane and not just a section of the road. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Couch and a second by Commissioner Prather, the Commission voted all in favor to approve SNC-10-01. The motion carried unanimously.

There was a six minute recess.

11. LUA-09-14. Hold a public hearing and consider possible action on a request by Ramsey Engineering, LLC, behalf of Craddock Avenue Partners, LLC, for a an amendment to the city's future land use map from Very Low Density Residential (VLDR) to Mixed Use (MU) for 10.65 acres, more or less, tract of land located south of the intersection Craddock Avenue and Bishop Street.

12. ZC-09-17. Hold a public hearing and consider possible action on a request by Ramsey Engineering, LLC, on behalf of Craddock Avenue Partners, LLC, for a zoning change from single family (SF-6) to Mixed Use (MU) for 12.88 acre, more or less, tract of land located at 1314 Franklin Drive.

Chair Bishop opened the public hearing for LUA-09-14 and ZC-09-17.

Diane Wassenich, 11 Tanglewood, stated that she represents the San Marcos River Foundation. She said that the SMRF has followed the tract of land the City's development for plans with much concern. Ms. Wassenich explained that they filed a motion to overturn the TCEQ approval of the Geologic Assessment (GA) when they gathered documents that made it clear to them that the developer's GA was incomplete. She added that within the 23 days they were allotted they found documentation and maps that they assumed were given to the Commission. In addition, they also provided TCEQ with the documentation that was found.

Ed Theriot, ETR Consulting, present on behalf of Craddock Avenue Partners spoke in support of the Land Use Map Amendment and the Zoning Case. He mentioned that the zoning case was formerly approved unanimously by the Planning Commission with. Mr. Theriot pointed out that the mixed use zoning is consistent with the south east side of Franklin. In addition, he stated that the Planning and Zoning Commission recognized that the Development Agreement approved by the City Council established additional standards designed to enhance the compatibility of the Mixed Use District with the Single Family area. Mr. Theriot added that they believe that both requests are fully supported by the San Marcos Horizons Master Plan.

Steve Ramsey with Ramsey Engineering, civil engineer and consultant for the Buie tract stated that they have coordinated with the City, specifically Laurie Moyer, Assistant City Manager regarding the extension of Columbia Dr. from Franklin over to Craddock which will include a median break in Craddock. He explained that the City is currently constructing Craddock and will provide the median break. Mr. Ramsey further explained that this would provide relief and will have direct access to Wonder World which will improve traffic access and safety. He mentioned that the Mixed Use tract has no sensitive feature and that TCEQ has approved the Geologic Assessment. Mr. Ramsey assured the Commission that TCEQ has not approved anything that is contrary to their rules. He asked the Commission for their vote of approval and advised that he was available to answer questions.

Anita Fuller spoke in support of item 11 and 12. She believes that the requests will compliment the district. She believes the requests will complement and enhance the zoning currently in place on Franklin Street and North Bishop Street. Ms. Fuller stated that the Mixed Use district will allow the concept of live, work and play. Ms. Fuller also believes that any land owner has the right to develop their property within the policies, rules and laws established by elected and important citizens of the City, County, State and Federal Governments. She asked the Commission to support items 11 and 12.

Camille Phillips, Franklin Drive, asked the Commission to please deny the changes. She stated the changes are not supported by Horizons Master Plan. Ms. Phillips said if they allow new apartments by old neighborhoods they are telling folks to go somewhere else, such as New Braunfels, Buda, or Kyle. She added that many people have signed a petition against the zoning change. In addition, people have mentioned stop the brain drain of people who work in San Marcos and don't live here. She asked the Commission to please deny the changes.

Joe Schneider, 803 Mustang Lane, read one item of the Horizons Master Plan which states it's consistent. Mr. Schneider read Policy LU-3.17 City shall allow different housing densities to abut one another as long as a proper buffer is provided and traffic generated by each use does not mix within the neighborhood and does not increase the load on existing roadways. He stated that the traffic load on Columbia Street will increase. A 50' foot street is proposed as the buffer.

Rick Coleman, Managing Member of Craddock Avenue Partners stated that they fully expect that the City will require them to improve Franklin Avenue on their end. He explained that the benefits to the whole area would include sidewalks, curb and gutters. Mr. Coleman added that they currently have an agricultural exemption and when the project is complete it will generate tax rolls of about \$1,400,000.00, \$8,000-\$9,000 will go to the Hays Consolidated School District. He explained that there will be office/retail on the bottom level and apartments on the top level. There will not be any warehouses or welding shops on the property. He pointed out that the

Development Agreement requires a four sided architectural design which will not allow any unsightly parts facing Franklin.

There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Couch and a second by Commissioner Stark, the Commission voted seven (7) for and one (1) opposed to approve LUA-09-14. The motion carried. Commissioner Bishop voted no.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Seebeck, the Commission voted seven (7) for and one (1) opposed to approve ZC-09-17. The motion carried. Commissioner Bishop voted no.

13. Hold a public hearing and consider revisions to the following sections of the Land Development Code: Section 1.6.1.3 Platting Exemptions, Section 1.6.6.6- Maintenance and Warranty of Improvements, Table 4.1.6.1, Land Use Matrix, Section 5.1.1.5a Requirements and Standards for BMPs, Section 5.5.1.1 Tree Preservation Standards, Section 6.7.2.1 Lot Size Minimum, Section 6.7.1.1 Link to Node Ratio Requirements, Section 6.1.1.1 Landscaping Requirements, Chapter 4 Overlay Districts- I-35 Overlay District, Section 6.4.2.1 Noise Ordinance, Section 6.2.1.1 Off Street Parking Standards, Section 4.5.3.7 Special Exception Requirements, Section 7.4.2.3 Sidewalk Requirements, Section 7.4.1.4- Street lighting requirements, Chapter 8 Glossary, and Section 4.4.3.1 Residential Design Standards.

Chair Bishop opened the public hearing. Monica McNabb 2006 Martin's Crest, representing the Board of Realtors, Government Affairs Committee Chair provided a letter in their reading folders. She asked the Commission to table the request and allow staff time to review their suggestions and comments. Ms. McNabb indicated that nine of seventeen points they think are fine, the other seven, they were split on which include five need more review and three in opposition. She stated that she spoke to Sofie and that she indicated that the city staff and the Commission are willing to work with them to resolve their concerns. She asked the Commission to consider their recommendation of postponing the request.

Harry Savio, Executive Vice President of the Homebuilders Association of Greater Austin (Hays County Chapter) advised the Commission that they received a letter in their reading files. In addition Mr. Savio provided the Commission with an article in the San Marcos Daily Record seeking fair housing survey. He stated he was present in opposition of the request and suggested the item be tabled to allow the Association to work with staff. He added that he currently has a meeting with staff scheduled on Thursday morning, May 27, 2010 to go over questions and input.

Tom Taber, custom home builder and owner of Vista Homes, representing the San Marcos area Homebuilders Association as the Vice President. He stated they are in opposition to the proposed changes to the Land Development Code. Mr. Taber commented that he as well as other homebuilders currently has issues finding custom home lots to build on in San Marcos. He felt that the changes will keep adding to developer cost and send them to other areas to build.

Ed Theriot, ETR Consulting stated he appreciates the work staff has put into the proposed amendments and willingness to work with citizens regarding concerns. He pointed out three issues of concerns which include the recharge zone and water quality areas; Link to Node Requirements; and the City producing a vesting analysis. He asked that these concerns be reviewed.

Joe Schneider stated he would like to address one item; table 4.1.6.1., 30 ft height limitations in Mixed Use areas. He pointed out that he did not see a problem with the table in the downtown area but does see a problem in the residential districts.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Seebeck, the Commission voted seven (7) for and one (1) opposed postpone the Proposed LDC Amendments to an indeterminate date. The motion carried. Commissioner Stark voted no.

There was an eleven minute recess.

14. Hold a public hearing and make a recommendation on the City of San Marcos 2011-2020 Capital Improvements Plan.

Chair Bishop opened the public hearing. Linda Coker, 1105 San Marcos Parkway, President of the San Marcos Library Board spoke in support of the library expansion. She said they are happy with the 150,000 funds for the feasibility study and the 2012-2013 CIP schedules. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Wood, the Commission voted all in favor to recommend to City Council the City of San Marcos 2011-2010 Capital Improvements Plan. The motion carried.

15. Discussion Items.

Commission members and staff may discuss and report on items related to the Commission's general duties and responsibilities. The Commission may not take any vote or other action on any item other than to obtain a consensus regarding items that will be placed on future agendas for formal action.

Planning Report

There were no Planning Reports.

Commissioners' Report

There were no Commissioners' Reports.

16. Consider approval of the minutes from the Regular Meeting of May 11, 2010.

MOTION: Upon a motion made by Commissioner Prather and a second by Commissioner Bryan, the Commission voted seven (7) for, none (0) opposed and one (1) abstained, to approve the minutes from the Regular Meeting of May 11, 2010. The motion carried. Commissioner Seebeck abstained.

17. Questions and answers from the Press and Public.

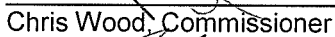
There were no questions from the press and public.

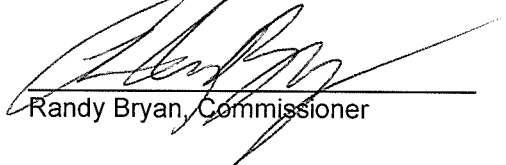
18. Adjournment

Chair Bishop adjourned the Planning and Zoning Commission at 9:37 p.m. on Tuesday, May 25, 2010.


Sherwood Bishop, Chair

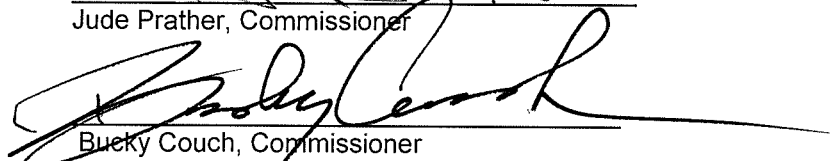

Jim Stark, Commissioner


Chris Wood, Commissioner


Randy Bryan, Commissioner


Bill Taylor, Commissioner


Jude Prather, Commissioner


Bucky Couch, Commissioner


Curtis Seebeck, Commissioner

ATTEST:


Francis Serna, Recording Secretary

